

REMARKS/ARGUMENTS

Summary of Applicant's Amendments

Claims 1-5 and 8-9 were rejected under 35 U.S.C. 103(a) as being anticipated by Kita U.S. Patent No. 6,263,218 (hereinafter "Kita") in view of Zhang et al. U.S. Patent Application Publication No. 2004/0058647 (hereinafter "Zhang").

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Zhang and further in view of Higuchi et al. U.S. Patent No. 6,697,647 (hereinafter "Higuchi").

Claim 11-13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita and Zhang and further in view of Tagawa Japanese Publication No. 2001086202 (hereinafter "Togawa").

Claims 15-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kita and Zhang and further in view of Perry U.S. Patent No. 6,160,489 (hereinafter "Perry") and Toyoshima JP2001-352378 (hereinafter "Toyoshima").

Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Zhang and Toyoshima and further in view of Oota U.S. Publication No. 2003/0176205 (hereinafter "Oota").

Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Fujisawa et al. U.S. Patent Application Publication No. 2002/0115478 (hereinafter "Fujisawa").

Claim 25 and 27 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita and Fujisawa and

further in view of Toyoshima JP2001352378 (hereinafter "Toyoshima").

Claim 26 was rejected under under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Fukisawa and further in view of Togawa.

Claims 28-30 were rejected under under 35 U.S.C. 103(a) as being unpatentable over Kita and Fujisawa and further in view of Toyshima and Higuchi U.S. Patent No. 6,697,647 (hereinafter "Higuchi").

Claims 31-34 were rejected under under 35 U.S.C. 102(e) as being unpatentable over Fujisawa.

Claims 35-36 and 39-40 were rejected under 35 U.S.C. 102(b) as being anticipated by Tamami JP10155012 (hereinafter "Tamami").

Claims 37-38 and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tamami in view of Fujisawa.

Summary of Applicant's Amendments

Applicant has amended claims 1, 31, and 35 without prejudice and solely in order to expedite prosecution.

Applicant traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any claim amendment or cancellation, or any subject matter included in the present application, in any number of continuation or divisional applications.

The 35 U.S.C. § 103(a) Rejection

Claim 1

Claims 1-5 and 8-9 were rejected under 35 U.S.C. 103(a) as being anticipated by Kita in view of Zhang.

The Examiner stated that Kita:

"does not ... teach ... sensing device that senses a signal, operable to directly perceived by a user from the cellular phone.

...Zhang discloses ... sensing device that senses a signal, operable to directly perceived by a user (reads on ringing telephone signal) from the cellular phone." (Office Action, pages 2-3)

Zhang does not correct for Kita's deficiency. Zhang merely discusses a hands-free adapter that directly communicates with a phone via a feature connector. Zhang's feature connector does not utilize the audible ringing in any way, shape, or form.

The Examiner alleged that in Zhang:

"the telephone rings whenever an incoming call is received. In addition the hands free adapter sends an incoming call alert to the user via headset (lines 2-6 of paragraph: 0038)." (Office Action, page 15).

The Examiner's allegation that a telephone in Zhang rings when a call is received is irrelevant. The notion that Zhang's adapter sends a signal to Zhang's headset is also irrelevant.

Even though a user of Zhang may audibly perceive Zhang's telephone ring does mean that Zhang's adapter audibly perceives that exact same ring. If the Zhang's telephone ringer was broken, Zhang's device would still allegedly discern an incoming call and communicate with Zhang's headset. Particularly, Zhang states:

"adapter includes a device interface ... that can be connected to a feature connector of a mobile telephone ... The feature connector ... provides information about the status of the device and accepts commands and audio/data input" (Zhang, paragraph 7).

Accordingly, it is the connector of the phone - not the ringer of the phone - that communicates with the adapter. Communications through the connector of Zhang's phone are not perceivable by a user.

Accordingly, it is clear that neither Zhang nor Kita, used either alone or in combination, show or suggest applicant's invention of claim 1 of an autonomous sensing device that senses a signal from a cellular phone that is able to be directly perceived by a user.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 1, and any claims dependent therefrom, under 35 U.S.C. 103(a) be withdrawn.

Claim 14

Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Fujisawa.

Solely in order to expedite prosecution, Applicant has amended claim 14 includes a remote communication device is configured to provide notification signals that are only light-based and is not operable to provide non-light-based notification signals.

The Examiner stated that:

"it is possible to use the same notification device and change notification method for each portable device."

(Office Action, page 16)

The Examiner cannot pick and choose unrelated elements of both Kita and Fukisawa and stitch them together to create an entirely new, Frankenstein's monster of a device neither shown nor suggested by the individual devices. In doing so, the Examiner is merely applying hindsight reconstruction while eviscerating the spirit of

the individual references. Kita is what Kita is. Fujisawa is what Fujisawa is.

Applicant's invention of amended claim 14 includes a communication device that is configured to provide notifications that are "only light based" and is not operable to provide non-light-based notification signals. Accordingly, applicant's invention of claim 14 does preclude other forms of notifications.

The Examiner stated that Fujisawa discusses such a feature in paragraph 534. Paragraph 534 clearly references FIG. 33 where numerous devices are utilized (e.g., light emitting unit 152, electronic sound unit 153, and vibrator 154).

Accordingly, Fujisawa merely alleges a large device burdensome with numerous types of features. Both structurally and functionally, applicant's invention of claim 14 is patentably distinct from Fujusawa and Kita as applicant's invention of claim 14 includes notifications that are only light based and is not operable to provide non-light-based notification signals.

Accordingly, claim 14 is patentable. Applicant respectfully requests that the Examiner's rejection of claim 14, and any claims dependent therefrom, under 35 U.S.C. 102(b) be withdrawn.

The 35 U.S.C. § 102(e) Rejections

Claim 31

Claims 31-34 were rejected under under 35 U.S.C. 102(e) as being unpatentable over Fujisawa.

Solely in order to expedite prosecution, Applicant has amended claim 31 includes a remote communication device is configured to provide notification

signals that are only light-based and is not operable to provide non-light-based notification signals.

The Examiner stated that Fujisawa discusses such a feature in paragraph 534. As shown above in connection with applicant's arguments of claim 14, Fujisawa does not show or suggest such a feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 31, and any claims dependent therefrom, be withdrawn.

Claim 35

Claims 35-36 and 39-40 were rejected under 35 U.S.C. 102(b) as being anticipated by Tamami.

Tamami alleges a remote control vibrator and a changeover switch when a telephone set does not hook off within a predescribed time.

Applicant's claim 35 includes physically sensing that a portable electronic device is vibrating. Tamami does not sense physical vibrations. Instead, Tamami allegedly receives an incoming call. Determining an incoming call is not physically sensing a device vibrate.

The Examiner stated that:

"to vibrate a portable telephone ... so as to inform the arrival of an incoming call to a user." (Office Action, page 18).

The Examiner's allegation that a human can hear an incoming call is irrelevant. Solely to expedite prosecution, applicant has amended to include physically sensing, by a first device, that a portable electronic device is vibrating, communicating, from the first device, a first communications signal indicative of said sensed vibrating and receiving, at a second device, said first

communications signal. Tamami does not show or suggest such features.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 35, and any claims dependent therefrom, be withdrawn.

The Dependent Claims

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Zhang and further in view of Higuchi. Claim 11-13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita and Zhang and further in view of Tagawa. Claims 15-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kita and Zhang and further in view of Perry and Toyoshima. Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Zhang and Toyoshima and further in view of Oota. Claim 25 and 27 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita and Fujisawa and further in view of Toyoshima. Claim 26 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Fukisawa and further in view of Togawa. Claims 28-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kita and Fujisawa and further in view of Toyshima and Higuchi. Claims 37-38 and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tamami in view of Fujisawa.

As shown above, applicant's independent claims 1, 14, 31, and 35 are patentable. Each of the above claims depend from claim 1, 14, 31, or 35. Accordingly, applicant respectfully requests that the above claims are patentable for depending from patentable independent claims.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. A favorable action is respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
731 South Negley, Apt. 2
Pittsburgh, PA 15232
Tel.: (914) 837-7741